

O I P E
NOV 23 2004
PATENT & TRADEMARK OFFICE

Docket No.: ADA.001CIP1
Express Mail No.: EV393144113US

RESPONSE TO OFFICE ACTION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Daniel Mercola et al.

Application No.: 10/032,260

Filed: 20 December 2001

Title: "ISOLATION AND IDENTIFICATION OF CONTROL SEQUENCES AND GENES MODULATED BY TRANSCRIPTION FACTORS"

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

Honorable Commissioner for Patents
U.S.P.T.O.
Box 1450
Alexandria, VA 22313-1450

Dear Sir:

I hereby certify that the enclosures listed below are being deposited with the United States Postal Service "EXPRESS MAIL Post Office to Addressee" service under 37 C.F.R. § 1.10, Mailing Label Certificate No.: EV393144113US, on 23 November 2004, addressed to: Mail Stop: Patent Application, Commissioner for Patents, U.S.P.T.O., P.O. Box 145, Alexandria, VA 22313-1450.

Respectfully submitted,



David B. Waller
Patent Agent No.: 43,978

Enclosures:

Office Action Response, 11 pages
Return Postcard

11-26-04

1

Docket No.: ADA.001.CIP1
Express Mail No.: EV393144113US

1634
SPV



OFFICE ACTION RESPONSE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Daniel Mercola et al.
Application No.: 10/032,260
Filed: 20 December 2001
Art Unit: 1634
Examiner: Switzer, J.

Title: "ISOLATION AND IDENTIFICATION OF CONTROL
SEQUENCES AND GENES MODULATED BY
TRANSCRIPTION FACTORS"

APPLICANTS' RESPONSE PURSUANT TO 37 C.F.R. § 1.111

Honorable Commissioner for Patents
U.S.P.T.O.
Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The following is Applicants' response to the Office Action dated August 23, 2004 in the CIP application listed above.

In a telephone conversation with the Examiner on 29 August 2004 Applicant's elected to prosecute restriction group I containing claims 1 through 29, consequently, claims 1 through 29 are currently under prosecution.